

REMARKS

As discussed with Examiner Ed Tolan on December 10, 2008 and demonstrated by a Resubmission of Second Preliminary Amendment filed December 12, 2008, a Second Preliminary Amendment was filed on June 1, 2007. The Second Preliminary Amendment includes new independent claims 25 and 26, which were not examined in the October 1, 2008 Office Action. In the Resubmission of Second Preliminary Amendment filed December 12, 2008 Applicant respectfully requested entry of the Second Preliminary Amendment, withdrawal of the Non-Final Office Action mailed October 1, 2008, and examination of all of the pending claims, including claims 25 and 26. Applicant further requested that the reply period be reset in accordance with M.P.E.P. § 710.06. Nevertheless, Applicant is filing this Reply to the Office Action mailed October 1, 2008 because Applicant has not yet received a new Office Action restarting the period for reply. Applicant nevertheless still requests the above actions be taken by the Office, in view of the Examiner's failure to examine claims 25 and 26.

The reference referred to as "Harsch" in the Office Action was not provided with an English translation. While Applicant appreciates that the Examiner sent a machine-translated copy of this reference by email on November 3, 2008, Applicant respectfully requests that the Examiner provide the machine-translated copy and list it on a Form PTO-892 with the next communication from the PTO.

Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 12-24 as being anticipated by EP 0930110 to Harsch et al. ("Harsch").

As recited, in claim 12, the main member is provided at a portion located between the slide of at least one tandem press of the tandem pressing line and an upright of the at least one tandem press.

This claim language is supported, e.g., at pp. 14-15, ¶¶ [0056]-[0057], “the left and right running members 35L and 35R run along the left and right guiding beams 30L and 30R,” “an upstream end 33La [of the guiding beam 30L] extends, in a space 17d between the slide 15 and the upright 13b,” and “a downstream end 33Lb [of the guiding member 30L] extends, in a space 27d between the slide 25 and the upright 23a,” and is not new matter.

In contrast, Harsch discloses a transverse yoke 26 and drive block 27 (which the Office Action characterizes as the main member) located between lateral stands 5, 6 (which the Office Action characterizes as the uprights) of the two presses 1, 2. See Figures 1-4 of Harsch. The transverse yoke 26 and drive block 27 are not located between the press ram 7 (which the Office Action characterizes as the slide) of press 1 and the lateral stand 6 of press 1. Similarly, the transverse yoke 26 and drive block 27 are not located between the press ram 7 of press 2 and the lateral stand 5 of press 2. See Figures 1-4 of Harsch. Harsch, therefore, fails to disclose each and every element of claim 12 at least because it does not disclose a main member provided at a portion located between a slide and an upright of at least one tandem press, and not interfering with the slide.

Absence of even a single claim limitation from a prior art reference precludes anticipation under § 102(b). *SRI Intern., Inc. v. Internet Sec. Systems, Inc.*, 511 F.3d 1186, 1192 (Fed. Cir. 2008). Since Harsch lacks a disclosure of the above features of claim 12, it does not anticipate the claim under § 102(b). Dependent claims 13-24 also are allowable at least by virtue of their dependency from claim 12. Accordingly, Applicant respectfully requests the allowance of claims 11-24.

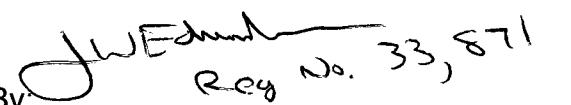
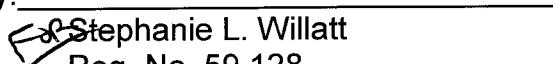
Applicant respectfully requests withdrawal of the Non-Final Office Action mailed October 1, 2008, and examination of the entire Application, including claims 25 and 26. Additionally, in view of the foregoing amendments and remarks, Applicant requests allowance of claims 12-26.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 29, 2008

By: 
Reg. No. 33,871

Stephanie L. Willatt
Reg. No. 59,128